

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIFFANY S. PADGETT,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

Case No. C23-0026-RSM

ORDER GRANTING UNOPPOSED  
MOTION FOR ATTORNEY FEES AND  
EXPENSES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT

This matter comes before the Court on the Plaintiff's unopposed motion for attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA"). Dkt. #19.

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on December 3, 2019, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the motion and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

## ORDER - 1

Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$8,010.36 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See Astrue v. Ratiff*, 560 U.S. 586, 589–590 (2010). The Acting Commissioner shall contact the Department of Treasury after this Order is entered to determine if the EAJA Award is subject to any offset. If the U.S. Department of the Treasury verifies to the Office of General Counsel that Plaintiff does not owe a debt, the government will honor Plaintiff's assignment of EAJA Award and pay the EAJA Award directly to Plaintiff's counsel. If there is an offset, any remainder shall be made payable to Plaintiff, based on the Department of the Treasury's Offset Program, and the payment shall be electronically deposited to Plaintiff's counsel, George Andre Fields, Esq. at P.O. Box 231024, Sacramento, CA 95823.

DATED this 11<sup>th</sup> day of July, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE